

1 Rule 5.6. Restrictions on Right to Practice.

2 A lawyer shall not participate in offering or making:

3 (a) ~~A partnership or employment~~ a partnership, shareholder, operating, employment,  
4 or other similar type of agreement that restricts the ~~rights-right~~ of a lawyer to practice  
5 after termination of the relationship, except an agreement concerning benefits upon  
6 retirement; or

7 (b) ~~An an~~ agreement in which a restriction on the lawyer's right to practice is part of  
8 the settlement of a client controversy ~~between private parties~~.

9 Comment

10 [1] An agreement restricting the right of ~~partners or associates~~ lawyers to practice  
11 after leaving a firm not only limits their professional autonomy but also limits the  
12 freedom of clients to choose a lawyer. Paragraph (a) prohibits such agreements except  
13 for restrictions incident to provisions concerning retirement benefits for service with the  
14 firm.

15 [2] Paragraph (b) prohibits a lawyer from agreeing not to represent other persons in  
16 connection with settling a claim on behalf of a client.

17 ~~The sale of a law practice that otherwise complies with the Rules of Professional~~  
18 ~~Conduct is not to be construed as an agreement of the type specified in paragraph (a)~~  
19 ~~nor part of a "settlement of a controversy between private parties" under paragraph (b).~~

20 [3] This Rule does not apply to prohibit restrictions that may be included in the terms  
21 of the sale of a law practice pursuant to Rule 1.17.

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